

294.

Notice of Allowability

Application No.

09/982,262

Applicant(s)

BENNETT ET AL.

Examiner

Jane Zara

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-8-04.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 18 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S SUPPLEMENTAL AMENDMENT

The following amendment replaces the Examiner's Amendment mailed 12-5-03.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jane Licata on or about 3-8-04.

The application has been amended as follows:

On page 1, line 2 of the specification, --(abandoned)—has been inserted after '2000'.

Claim 1 (currently amended): A method for preserving a corneal explant *ex vivo*, comprising incubating [an] a corneal explant in a solution comprising a corneal storage medium and an antisense oligonucleotide between 8 and 50 nucleotides in length that is targeted to intercellular adhesion molecule-1 (ICAM-1), and wherein said antisense oligonucleotide the inhibits the expression of

[intracellular] intercellular adhesion molecule-1 (ICAM-1), and wherein inhibition of ICAM-1 expression results in preserving a corneal explant ex vivo.

In claim 2, line 2, "ISIS 2302" has been replaced with --SEQ ID NO: 22--.

In claim 3, line 2, --a— has been inserted before "human" and --explant-- has been inserted after "human".

Claim 4 (currently amended): A method of inhibiting corneal allograft rejection, comprising contacting [an] a corneal allograft with a topical formulation comprising an antisense oligonucleotide between 8 and 50 nucleotides in length that is targeted to intercellular adhesion molecule-1 (ICAM-1), and wherein said antisense oligonucleotide inhibits the expression of [intracellular] intercellular adhesion molecule-1 (ICAM-1), and wherein inhibition of ICAM-1 expression results in corneal allograft rejection inhibition.

In claim 5, line 2, "ISIS 2302" has been replaced with --SEQ ID NO: 22--.

In claim 6, line 2, --a—has been inserted before "human" and --allograft— has been inserted after "human".

Claim 8 (currently amended): A method for preserving a corneal explant ex vivo, comprising incubating [an] a corneal explant in a solution comprising a

corneal storage medium and an antisense oligonucleotide between 8 and 50 nucleotides in length that is targeted to extracellular adhesion molecule-1 (ELAM-1) or vascular cell adhesion molecule-1 (VCAM-1), and wherein said antisense oligonucleotide inhibits the expression of extracellular adhesion molecule-1 (ELAM-1) or vascular cell adhesion molecule-1 (VCAM-1), and wherein inhibition of ELAM-1 and VCAM-1 expression results in preserving a corneal explant ex vivo.

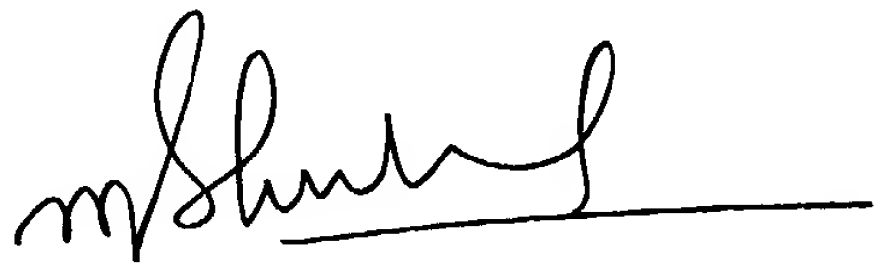
In claim 9, line 2, --a—has been inserted before “human” and —explant— has been inserted after “human”.

Conclusion

Certain papers related to this application may be submitted to Art Unit 1635 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is **703-872-9306**. NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. **NO DUPLICATE COPIES SHOULD BE SUBMITTED** so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jane Zara** whose telephone number is **(571) 272-0765**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader, can be reached on (571) 272-0760. Any inquiry regarding this application should be directed to the patent analyst, Katrina Turner, whose telephone number is (571) 272-0564. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

JZ
3-3-04


RAM R. SHUKLA, PH.D.
PRIMARY EXAMINER